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Joanne S. Walter

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26884

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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,735

Applicant(s)

WALTER, JOANNE S.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 19-38 are pending. Claims 19 and 29 have been amended and claim 38 has been added in this communication filed 03/09/06 entered as Response to Non-Final Action and Request for Extension of Time.

Election by Original Presentation

2. Newly submitted claim 38 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 38, is directed to an automated teller machine system that compares a first received personal identification number (PIN number) with a plurality of PIN numbers associated with an account then there is a permit in the reduction of funds from the account based on the correspondence of the first received PIN number with the first plurality of PIN numbers and a comparison is made of the second received PIN number with the plurality of PIN numbers associated with an account then there is a determination that the second PIN number corresponds, a permit to post the funds to the account based on the correspondence, and a permit not to remove the funds from the account based on the correspondence. Claims 19 and 29 permits a deposit of funds into a banking account using a first and second personal identification number (PIN number), operating the terminal to permit a deposit of funds, ...". Claim 38 has a plurality of first and second PIN numbers to perform a correspondence of the first received PIN number and the second PIN number with a plurality of PIN numbers. Claims 19 and 29 do not perform a comparison of a first and second plurality of PIN numbers. Therefore, the inventions are different requiring a different search.

Since the Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 38 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,897,625) Gustin et al, hereafter Gustin in view of (US 5, 953,710) Fleming.

As per claims 19 and 29, Gustin teaches, A method of operating an electronic banking terminal, comprising the steps of: (a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first persona identification number (PIN number) into said terminal (col. 9, line 51-col. 10, line 8 and col. 11, line 65-col. 12, line 33); and (c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal (col. 10, lines 12-35).

As per claim 29, Gustin further teaches, An electronic terminal, comprising: an input device for receiving input from a user; a processing unit electrically coupled to said

input device, and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit (col. 8, lines 40-43).

Gustin failed to teach, (b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number; and (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

Fleming teaches, (b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number (col. 6, lines 20-47); and (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit (col. 6, line 48-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to operate the terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number; and (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar

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amount limit and to modify in Gustin because such a modification would allow Gustin's identification to enter information in the form of an ID and a RND1 when a prompt for input is given to provide a PIN string and the PIN is confirmed.

5. Claims 20- 28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,897,625) Gustin et al, hereafter Gustin and (US 5,953,710) Fleming in view of (US 6,193,155 B1) Walker et al, hereafter Walker.

As per claims 20 and 30, Gustin and Fleming failed to teach, The method of claim 19, wherein said step (a) includes the steps of: (e) reading a code stored on a gift card to determine a gift dollar amount associated with said gift card, and (f) depositing said gift dollar amount into said banking account in response to said reading step.

Walker teaches, (e) reading a code stored on a gift card to determine a gift dollar amount associated with said gift card (col. 3, line 33 –col. 4, line 6 and fig.'s 8 & 12), and (f) depositing said gift dollar amount into said banking account in response to said reading step (col. 5, lines 5-59 and col. 15, line 54 –col. 16, line 13 and lines 21-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to read a code stored on a gift card to determine a gift dollar amount associated with said gift card, and (f) deposit said gift dollar amount into said banking account in response to said reading step and to modify in Gustin because such a modification would allow Gustin to a gift certificate (gift card) for payment of an identified value which is issued by an account holder that has a certificate identifier corresponding to an account identifier.

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As per claims 21 and 31, Gustin teaches, The method of claim 19, further comprising the steps of: (e) operating said terminal to permit deposit of funds into said banking account in response to entry of a third PIN number into said terminal, said third PIN number being different than both said first PIN number and said second PIN number (col. 9, lines 51-55, col. 11, line 66-col. 12, line 31, fig. 13 (380 & 382), fig. 13A, and fig. 13B); and (f) operating said terminal to prohibit withdrawal of funds from said banking account in response to entry of said third PIN number into said terminal (col. 10, lines 36-42).

As per claims 22 and 33, Gustin teaches, The method of claim 19, wherein: said banking account has an account number associated therewith, said step (c) includes the step of operating said terminal to permit user withdrawal of funds up to said first dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said first PIN number, and said step (d) includes the step of operating said terminal to permit user withdrawal of funds up to said second dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said second PIN number (col. 9, line 51 –col. 10, line 62).

As per claim 23, Gustin teaches, The method of claim 19, wherein: said electronic banking terminal includes a point-of-sale retail terminal having a Currency acceptor, and said step (a) includes the step of operating said currency acceptor to accept a cash deposit into said terminal for said banking account (col. 8, lines 62-65 and col. 10, lines 23-34).

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As per claim 24, Gustin teaches, The method of claim 23, further comprising the step of: (e) operating said currency acceptor so as to permit cash to be accepted by said currency acceptor for payment of an item for purchase (col. 17, lines 10-33).

As per claim 25, Gustin teaches, The method of claim 24, wherein: said point-of-sale retail terminal further has a currency dispenser, said step (c) includes the step of operating said currency dispenser to dispense currency up to said first dollar amount limit, and said step (d) includes the step of operating said currency dispenser to dispense currency up to said second dollar amount limit (col. 16, line 35 –col. 17, line 38- col. 18, line 15).

As per claims 26 and 35, Gustin teaches, The method of claim 25, further comprising the step of: (f) operating said currency dispenser to provide change in response to cash being accepted by said currency acceptor for payment of said item for purchase (col. 19, line 50-col. 22, line 24).

As per claim 27, Gustin teaches, The method of claim 24, wherein: said point-of-sale retail terminal further has a touch screen monitor associated therewith, said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number (col. 8, lines 62-65 and col. 9, lines 45-62).

As per claims 28 and 37, Gustin teaches, The method of claim 27, further comprising the step of: (g) operating said touch screen monitor to enter an item code associated with said item for purchase into said terminal (col. 10, lines 36-67).

As per claim 32, Gustin teaches, The electronic terminal of claim 29, wherein: said banking account has an account number associated therewith, and

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said plurality of instructions, when executed by said processing unit, further causes said processing unit to: operate said terminal to permit user withdrawal of funds up to said first dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said first PIN number, and operate said terminal to permit user withdrawal of funds up to said second dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said second PIN number (col. 9, line 51- col. 11, line 22).

As per claim 34, Gustin teaches, The electronic terminal of claim 33, further comprising a currency dispenser for dispensing currency, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to: operate said currency dispenser to dispense currency up to said first dollar amount limit, and further operate said currency dispenser to dispense currency up to said second dollar amount limit (col. 10, lines 36-62, col. 11, lines 24-38, and fig. 9A).

As per claim 36, Gustin teaches, The electronic terminal of claim 29, wherein: said input device includes a touch screen monitor, and said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number (col. 8, lines 63-65). This dependent claim is rejected for the similar rationale as given above for claim 27.

Response to Arguments

6. Applicant's arguments with respect to claim 19-37 have been considered but are not persuasive.

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Issue no. 1: Applicant argues: the Examiner has apparently alleged that motivation for the proposed combination may be found in US Patent No. 5,649,118 to Carlisle et al (herein "Carlisle") and the Applicant has not found any such motivation in Carlisle. The Examiner has proposed that the motivation for the combination would be to allow Gustin's identification to enter information in the form of an ID and a RND1 when a prompt for input is given to provide a PIN string and the PIN is confirmed has been considered but is not persuasive. Response: The motivation for this claim limitation is found in Carlisle (US 5,649,118) in col. 10, lines 32-50.

Issue no. 2: Applicant argues: Fleming does not disclose, or teach or suggest the use of two different PIN numbers that access the same account the Examiner has not identified two different PIN numbers that access the same account in the system of Fleming, the proposed combination does not arrive at the invention has been considered but is not persuasive. Response: Fleming in Figure 3 shows a parent's account with a Personal Identification Number and a child's account with a Personal Identification Number with the child's account being linked to the parent's account. It is interpreted that Fleming discloses two account Personal Identification Numbers in col. 6, lines 20-47.

Issue no. 3: Applicant argues: If the rejection of claim 19 is maintained after consideration of the discussion included herein, then Applicant respectfully requests the Examiner provide an explanation of the proposed motivation to combine the references as the motivation provided cannot be readily understood has been considered but is not persuasive. Response: Gustin is interpreted as disclosing operating a banking terminal

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to permit the deposit of funds into a banking account by entering a PIN number into the terminal and permitting a user to withdraw funds up to a first dollar amount limit from the account using the first PIN number and Fleming is interpreted as disclosing a second PIN number that is different from the first PIN number and the motivation to combine Gustin and Fleming is addressed above in Issue no. 1.

Issue no. 4: Applicant argues: Three PIN numbers that cannot access an account is different from an account that can be accessed by three PIN numbers has been considered but is not persuasive. Response: It is interpreted that after three entries of a password or PIN a person can access an account once they are validated by the system. It is well known that person can have as many as three PIN numbers for an account as security protection to their account.

Conclusion: The Examiner carefully drew up a correspondence of each of Applicants' claimed limitations, one or more referenced passages in Gustin, Fleming, and Walker, what is well known in the art and what is obvious to one having ordinary skill in the art at the time the invention was made.

The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court determined that to read a claim in light of the specification, to thereby interpret

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limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. "The court found that applicant was advocating the latter, e.g., the impermissible importation of subject matter from the specification into the claim).<

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dethloff et al (US 4,837,422) disclosed a PIN and a sub-PIN for a multi-user card.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 26, 2006


ELLA LAMBERT
PATENT EXAMINER